

## AMENDMENTS

### In the Specification:

*Please substitute the following for the paragraph beginning on page 13, line 10*

- ii) TGA AGG TCA (SEQ ID NO:2);

*Please substitute the following for the paragraph beginning on page 14, line 17*

- ii) TGA AGG TCA (SEQ ID NO:2);

*Please substitute the following for the paragraph beginning on page 16, line 23 and ending on page 17, line 6*

The terminology “estrogen response elements” or “estrogen cis-acting elements” refers to well-known nucleic acid sequences to which transcription factors such as the orphan nuclear receptor  $ERR\alpha$  can bind, thereby having the potential to modulate the promoter activity of a promoter comprising such response or cis-acting elements. These cis-acting elements or estrogen response elements also termed “ERE” or “IR3” are well-known in the art (Pettersen, 1996, Mech. Dev. 54:211-223). In Pettersen et al. (1996, *supra*), it is for example taught that the perfect inverted repeat (IR) of the estrogen response element to which  $ERR\alpha$  can bind has sequence AGG TCA NNN TGA CCT (SEQ ID NO:1). It is also known from Sladek et al., 1997, Bonnelye et al., 1997 and Johnston et al., 1997 that this acting element comprising the sequence TGA AGG TCA (SEQ ID NO:2) can also bind  $ERR\alpha$  and related factors.

### In the Claims:

Please amend the following claims.

23. (Amended) A method of modulating fat tissue growth and/or weight gain, comprising:

a) administering to an animal an agent which modulates the promoter activity of a gene, wherein said promoter comprises cis-acting elements selected from the group consisting of:

- i) an estrogen response element;
- ii) TGA AGG TCA (SEQ ID NO:2);